IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
SECOND APPEAL NO.850 OF 2003

Jainabi Mohamed Mhaskar & Ors...Appellants
(Orig.Plaintiffs)

Versus

Group Gram Panchayat Karla & Anr..Respondents
(Orig.Defendants)

Mr. S.M. Kazi for the Appellants
Mr. Arfan Sait for Respondent No.2

CORAM : S.R. SATHE,J.
DATED : 03/08/2007

P.C. :-

Heard both the learned Advocates.

Plaintiff had filed suit for perpetual injunction restraining the defendants from taking water connection through the land bearing Survey No.523. Admittedly, defendant is the owner of the land bearing City Survey No.524.

Both the Courts below have recorded finding that portion wherefrom pipeline of defendants' water tap goes does not form part and parcel of Plaintiff's property. So, question of Plaintiffs asking injunction does not arise. This concurrent finding of fact does not appear to be perverse. On the contrary, it is based on evidence on record. So, there is no substantial question of law involved in this matter and as such, Second Appeal is dismissed in limine.

(S.R. SATHE,J.)